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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,899	08/07/2003	Aidan Petrie	07298.0075.NPUS01	7813
68768 7590 10/27/2008 NOVAK DRUCE AND QUIGG, LLP (Thule) 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002				
EXAMINER				
ROWAN, KURT C				
ART UNIT		PAPER NUMBER		
3643				
MAIL DATE		DELIVERY MODE		
10/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/635,899

Applicant(s)

PETRIE ET AL.

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, and Figs. 1-7 in the reply filed on 7/23/2008 is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference signs. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rectangular shape of the access aperture must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification should contain reference numerals which refer to the structural elements shown in the drawings. Note the format in the patents cited as prior art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-12, 14, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Washington (4523704)

6. The patent to Washington shows a carrier box for holding fishing rods and reels that is configured to be mounted to carrying vehicle. Washington shows a carrier box 10 having a lid portion 22 and a base portion 24. Washington shows an interior of the carrier box configured to receive and support a fishing rod and reel. The carrier box is configured to be substantially weather-tight in the closed configuration. The patent to Washington shows an access aperture 44 through the carrier box that is configured to permit a portion of the fishing rod to project outside the carrier box when in the closed configuration as shown in fig. 2. Washington shows a clamping arrangement 42 configured to releasably fasten upon a vehicular carrier rack. In reference to claims 11 and 18, Washington shows an anchor arrangement 38 for securing the distal end of a fishing rod. The anchor arrangement has a top portion having a height that is substantially the same as the access apertures so that a fishing rod is substantially level to a roof of a vehicle when the carrier arrangement is mounted thereon as shown in Fig. 3. In reference to claim 12, Washington shows a portion of the carrier box such as the bottom is adapted to form a stand to act as a free standing storage arrangement. In reference to claim 14, Washington shows the carrier box tapers towards a forward end for aerodynamic purpose as shown in Fig. 3. In reference to claim 17, Washington shows a plurality of access openings 44.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washington (US 4523704) as applied to claim 1 above, and further in view of Michal (US 3662933).

The patent to Washington shows a fishing rod and reel holder as discussed above. Washington shows the base portion and the lid portion being hinged 34 as shown in Fig. 1 for pivotal movement between the base and the lid noting Figs. 1-2. The patent to Michal shows a fishing rod and reel carrier. Michal shows a seal arrangement 45, 46 between mating lip portions of the lid 48 and base portions 20. In reference to claim 13, it would have been obvious to provide Washington with a seal arrangement as shown by Michal for the purpose of protecting the lip from wear.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Washington as applied to claim 9 above, and further in view of Zielinski (US 5678348). The patent to Washington shows a fishing rod and reel carrier arrangement as discussed above and shows a plurality of access apertures 44. Washington does not show a pliable buffer arranged in the interior of the access aperture. The patent to Zielinski shows a fishing rod and reel carrier arrangement having a plurality of apertures 20, 22, 24, 26 having a pliable buffer 60 arranged within the interior as shown in Fig. 2. In reference to claim 15, it would have been obvious to provide Washington with a pliable buffer as shown by Zielinski for the purpose of protecting the fishing rods.

8. Claims 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washington (US 4523704).
9. The patent to Washington shows a fishing rod and reel carrier as discussed above. In reference to claim 16, Washington does not show drainage holes in the bottom of the base portion. However, it would have been obvious to provide Washington with drainage holes to let water out of the carrier. The examiner takes Official Notice that drainage holes in fishing tackle carriers is old and well known in the art. In reference to claim 19, Washington shows the access apertures 44 as having a round shape, but it would have been obvious employ a rectangular shape since the function is the same and no showing of unexpected results was made. See *In re Dailey et al.*, 149 USPQ 47.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Rushton, and Ward show other fishing rod and reel storage arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kurt Rowan
Primary Examiner
Art Unit 3643

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